

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TIA PETTIGREW,)
)
Plaintiff,)
)
vs.) Civil Action No.: 1:23-cv-01192-STA-atc
)
MARTIN O'MALLEY,)
COMMISSIONER OF SOCIAL)
SECURITY,¹)
)
Defendant.)

ORDER GRANTING SENTENCE FOUR REMAND

The Commissioner of Social Security has moved the Court to reverse the decision of the Administrative Law Judge (ALJ) and remand this action to the Commissioner pursuant to sentence four of section 205(g), 42 U.S.C. § 405(g). (ECF No. 20.) The Commissioner, after reviewing Plaintiff's briefing in this appeal, requests remand to allow the ALJ to further develop the record.

Remand will expedite administrative review, ensure that the Commissioner has the opportunity to fully consider Plaintiff's claim, and may ultimately make judicial review unnecessary. Remand by this Court is appropriate under 42 U.S.C. § 405(g), which provides:

The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

See also Melkonyan v. Sullivan, 501 U.S. 89 (1991); Newkirk v. Shalala, 25 F.3d 316, 318 (6th

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Cir. 1994).

For the foregoing reasons, and pursuant to the Supreme Court's decision in *Shalala v. Schaefer*, 509 U.S. 292 (1993), the Court hereby enters judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure reversing the decision of the ALJ and remanding this case to the Commissioner under sentence four of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. Thomas Anderson
UNITED STATES DISTRICT JUDGE

Date: January 30, 2024